

Defendant.

.....

Civil Action No.:

BACKGROUND AND PROCEDURAL HISTORY

2. Pursuant to 28 U.S.C. § 1446(a), copies of all documents filed in the State Court Action subsequent to the filing of the Complaint are attached hereto as **Exhibit B**. Exhibit A and Exhibit B constitute all of the process, pleadings and orders served in this case.

3. Delaware Title has not answered, moved or otherwise responded to the Complaint.

4. In the Complaint, Plaintiff asserts claims for alleged violations of Pennsylvania's Loan Interest and Protection Law, 41 P.S. §§ 201, *et seq.* and Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 202-1, *et seq.* See Exhibit A, Compl. Plaintiff also asserts claims for alleged violations of TILA, 15 U.S.C. §§ 1601, *et seq.* *Id.*

5. Plaintiff bases his claims on Delaware Title's extension of a loan to Plaintiff with an interest rate allegedly exceeding the rate permitted by law. See, e.g., Compl. at ¶¶ 16, 29, 34.

6. Plaintiff further alleges, *inter alia*, that Delaware Title made various misrepresentations to him at the time of the execution of the contract securing the loan as well as failed to disclose information related to the financing of the loan at that time. See Compl. at Count II and Count III.

7. Plaintiff alleges to have sustained economic and non-economic damages as a result of Delaware Title's alleged conduct. See generally Compl.

PARTIES

8. Plaintiff is a citizen of the Commonwealth of Pennsylvania. See Exhibit A, Compl. at ¶ 1.

9. Delaware Title is a Delaware corporation with its principal place of business and only offices located in the State of Delaware.

TIMELINESS OF REMOVAL

10. Plaintiff filed his Complaint on August 13, 2021.

11. Plaintiff served Delaware Title with a copy of the Complaint on August 23, 2021.

12. Delaware Title filed this Notice of Removal within thirty (30) days of the date it received a copy of the Complaint.

13. Thus, this notice is timely pursuant to 28 U.S.C. § 1446(b).

BASIS FOR REMOVAL JURISDICTION

14. Removal is appropriate under 28 U.S.C. § 1331 as Plaintiff asserts claims in violation of a federal statute, TILA, 15 U.S.C. § 1601, *et seq.*

15. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because Plaintiff's claims are founded on a claim or right arising under the laws of the United States.

16. Under 28 U.S.C. § 1331, removal is appropriate if the district court has original jurisdiction founded on a claim or right arising under the laws of the United States and the action shall be removable without regard to the citizenship or residence of the parties.

17. Plaintiff alleges Delaware Title violated TILA. *See* Exhibit A, Compl.

18. This Court has jurisdiction over all claims brought under this federal statute and, as such, federal question jurisdiction exists under 28 U.S.C. § 1331.

19. Additionally, the Court has supplemental jurisdiction over any state law claims, to the extent any such claims exist. *See* 28 U.S.C. § 1367.

20. Accordingly, this action is one over which this District Court has subject matter jurisdiction over the entire case pursuant to 28 U.S.C. §§ 1331 and 1441.

VENUE

21. Under 28 U.S.C. § 1441(a) and 1446(a), the United States District Court for the Eastern District of Pennsylvania is the proper venue for removal of jurisdiction because it embraces the place where this action remains pending, the Court of Common Pleas of Delaware County, Pennsylvania.

NOTICE TO STATE COURT AND PLAINTIFF

22. The Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

23. Counsel for Delaware Title certifies, pursuant to 28 U.S.C. § 1446(d), that copies of this Notice of Removal will be filed with the Court of Common Pleas of Delaware County, Pennsylvania, and served promptly upon Plaintiff. A true and correct copy of Delaware Title's Notice of Filing of Notice of Removal (without exhibits) is attached hereto as **Exhibit C**.

24. By filing this notice of removal, Delaware Title does not waive any defense that may be available, including, but not limited to, lack of *in personam* jurisdiction, improper venue, insufficient process, insufficient service of process, failure to state a claim upon which relief may be granted, and/or failure to join a necessary party, or any right to compel arbitration, in this Court or in the court from which this action has been removed.

25. Based upon the foregoing, this Court has jurisdiction pursuant to 28 U.S.C. § 1331, and this matter may be removed to this Court under 28 U.S.C. § 1441.

WHEREFORE, Defendant Delaware Title Loans, Inc. hereby removes the above-captioned action now pending in the Court of Common Pleas of Delaware County, Pennsylvania, No. CV-2021-006998, to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1441.

DATED: September 22, 2021

Respectfully submitted,

/s/ Jenny N. Perkins

Jenny N. Perkins, Esquire
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
(215) 864-8500 (Telephone)
(215) 864-8999 (Fax)
perkinsj@ballardspahr.com

*Attorney for Defendant,
Delaware Title Loans, Inc.*